

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JULIAN DAIN MCDONALD,	:	Civil No. 3:17-cv-51
	:	
Petitioner	:	(Judge Mariani)
	:	
v.	:	
	:	
CRAIG A. LOWE, <i>et al.</i> ,	:	
	:	
Respondents	:	

ORDER

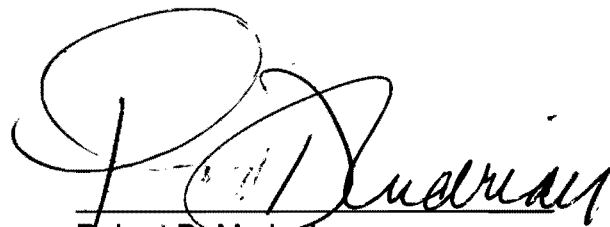
AND NOW, this 23rd day of February, 2017, for the reasons set forth in the

Court's Memorandum of the same date, **IT IS HEREBY ORDERED THAT:**

1. The petition for writ of habeas corpus (Doc. 1) is **GRANTED**.
2. The Immigration Judge shall afford Petitioner an individualized bond hearing within **fourteen (14) days** of the date of this Order.
3. At the bond hearing, the Immigration Judge must make an individualized inquiry into whether detention is still necessary to fulfill the purposes of ensuring that the Petitioner attends removal proceedings and that his release will not pose a danger to the community. *Chavez-Alvarez v. Warden York Cnty. Prison*, 783 F.3d 469, 475 (3d Cir. 2015). At this hearing, the Government bears the burden of presenting evidence and proving that continued detention is necessary to fulfill the purposes of the detention

statute. *Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 233 (3d Cir. 2011).

4. Within ten (10) days of the bond hearing, Respondent shall file a notification with the Court that Petitioner has received an appropriate individualized bond determination.
5. The Clerk of Court is directed to **CLOSE** this case.

A handwritten signature in black ink, appearing to read "R. D. Mariani", is written over a horizontal line.

Robert D. Mariani
United States District Judge